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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which are made under section 64 of the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”), make provision for the process by which persons who by virtue of section 63 of the 2007 Act require a certificate in order to act as enforcement agents are issued with a certificate, including the requirements which must be satisfied for such a certificate to be issued, the duration of certificates and how they may be suspended or cancelled, and the making of complaints about a person that a person issued with a certificate is not a fit and proper person to hold such a certificate. They replace the provisions of the Distress for Rent Rules 1988 (which are separately revoked) dealing with these matters, but apply more widely.

Certificates are, under section 64(1) of the 2007 Act, to be issued by a judge of the County Court, and regulation 3 sets out the matters of which the judge must be satisfied before a certificate may be issued. Those are that the applicant for the certificate—

- is a fit and proper person to hold such a certificate;
- has sufficient knowledge of the relevant law and practice to be competent;
- will use forms which follow the appropriate template (as set out in the Schedule);
- has lodged (or otherwise has in place) the necessary security (as set out regulation 6);

is not involved (as employee or otherwise) in the business of buying debts.

Regulation 4 requires the court to keep and publish certain information about certificated persons.

Regulation 7 provides for the duration of a certificate (2 years from issue unless it has to be replaced under regulation 8 because of a change in certain details).

Regulation 9 makes provision about the making of complaints that a certificated person is not a fit and proper person to hold a certificate; and regulations 10 and 11 make provision about possible cancellation or suspension of a certificate, and application of the certificated person’s security, following a hearing of such a complaint.

Regulation 12 makes provision about the surrender of certificates and regulation 13 for a certificate which has been cancelled or suspended or has expired to continue to have effect for certain limited purposes enabling enforcement action to be completed.

Regulations 14 and 15 make transitional provision in relation to certificates issued or applications made under the Distress for Rent Rules 1988.

An Impact Assessment was carried out to consider the impact of the introduction of the reforms of which these Regulations form a part. That Impact Assessment may be found at <https://consult.justice.gov.uk/digital-communications/transforming-bailiff-action>.